

**Town of La Pointe Zoning
Town Plan Commission Regular Monthly Meeting Minutes
May 17, 2012**

Town Plan Commission (TPC) Members Present: Ted Pallas, Chair, Charles Brummer, Vice-Chair, Suellen Soucek, Carey Baxter, Joan Martin, Greg Thury, Larry Whalen (7).

Town Plan Commission Members Absent: none.

Public Present: Mike Starck, Paul Brummer, Michael Brenna, Dave Thomas, Nick Nelson, Kevin Cheuvront, Lisa Potswald (7).

Town Staff Members Present: Jen Croonborg-Murphy, ZA, Margaretta Kusch, ZCA (2).

I. Call to Order/Roll Call

Chair Pallas called the Meeting to order at 4:30 PM at the La Pointe Town Hall. Roll call reflected members present or absent as recorded above.

II. Public Comment

Mike Starck suggests two Zoning Ordinance text changes: first, that in 4.2.G Minor Structures: add “greenhouses not to exceed 100 square feet”. Secondly, in 13.5.C, Powers of Town Plan Commission, add “not including Conditional Use Permits” to end of sentence.

Paul Brummer would like to see a text change to the Zoning Ordinance, Section 13, specifying that the Town Plan Commission decides on Conditional Use Permits (not the Town Board).

Dave Thomas asks if the public can be allowed to speak during item VII.c. Chair Pallas responds that he supposes so, although this isn’t a Public Hearing. Mr. Thomas says he understands that, but feels it’s important to get in on the ground level, so to speak, of the discussion. Mr. Thomas then states that he feels there should be an Agricultural Zoning District on the island, and asks for clarification on the process of making changes to the Comprehensive Plan.

Nick Nelson reads aloud a letter he’s submitted (attached to these minutes and part of the permanent record). He feels that there’s an “absence of acknowledgement of the special circumstances that should be addressed when it comes to zoning and permitting of agricultural enterprises,” including the temporary nature of hoopouses, the need for an Agricultural Zoning District, and financial constraints of the permitting process.

III. Approval of Previous Meeting Minutes

a. Town Plan Commission Special Monthly Meeting, May 3, 2012

- Change “II. Approval of Previous Meeting Minutes” to “III. Approval of Previous Meeting Minutes.”
- In item VI.a, third sentence, change second phrase from “but doesn’t charge the tax on rental of single family dwellings” to “and rental of family dwellings.”
- In item VI.a, fourth sentence, change sentence from “The Zoning Administrator is unsure what MISA’s rooms would be considered” to “The Zoning Administrator is unsure if MISA’s rooms are considered seasonal recreational dwellings.”

G. Thury moves to approve as amended the Town Plan Commission Special Monthly Meeting minutes of May 3, 2012. S. Soucek seconds. All in favor, 7 ate. Motion carries.

b. Town Board/Town Plan Commission Special Meeting, May 3, 2012

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G. Thury moves to postpone the Town Board/Town Plan Commission Special Meeting minutes until the next meeting. S. Soucek seconds. All in favor, 7 aye. Motion carries.

IV. Zoning Administrator's Report

On file. The Zoning Administrator notes that there's one mistake in the report: the Madeline Sanitary District permit is listed under item I. when it should've been under item II.

V. Consideration and/or Action of Permit Applications

a. Northern State Bank re: CSM to combine three lots into two at corner of Snowplace Lane and Big Bay Rd.

The Zoning Administrator reports that neither she nor County Zoning has corrections to the map. However, County does require two tie sheets. She states that she would be fine with the Town Plan Commission recommending approval of the CSM pending submission of the two tie sheets. The CSM will correct prior violations at the property.

C. Brummer notes that there's a typo on the CSM as well: one of the old boundaries of S-1/W-1 is still on the map where it doesn't need to be, and should be corrected.

C. Brummer moves to recommend to the Town Board approval of the Northern State Bank CSM received May 5th, 2012 contingent upon receipt of the two tie sheets and correction of the S-1/W-1 Districts. S. Soucek seconds. All in favor, 7 aye. Motion carries.

b. Lisa Potswald & Kevin Chevront re: accessory structure at 364 Old Fort Rd., LP #014-00200-3900.

The applicants wish to build a garage. They have two adjoining parcels. Do the owners need to meet setbacks to the line dividing the two parcels?

The Town Plan Commission recommend that the applicants just combine the two lots and eliminate the problem altogether. The applicants have no problem doing this. Chair Pallas questions whether a CSM is even necessary as both lots are property of the same owners.

Chair Pallas moves to direct the Zoning Administrator to issue the permit on the condition that Kevin and Lisa have the two lots combined, surveyed, and labeled one LP. S. Soucek seconds. All in favor, 7 aye. Motion carries.

VI. New Business

a. Hartzell, Robert: interpretation of use of structures and permits required at LP #s

- 014-00192-0110
- 014-00192-0120
- 014-00192-0130
- 014-00192-0140
- 014-00192-0150
- 014-00192-0515
- 014-00192-0516

It is agreed that more background/history would be helpful on this matter. The Zoning Administrator will put together a packet of information so the item can be dealt with at that meeting.

VII. Old Business

a. **Application for Multiple Family Dwelling: review and possibly approve draft**

Chair Pallas moves to approve the Rental of Multiple Family Dwellings permit as a dwelling requires one permit, and each unit requires a \$75 fee. S. Soucek seconds. All in favor, 6 aye, 1 abstain (L. Whalen). Motion carries.

b. **Ordinance interpretation re: Craftivity, Inc., 978 Middle Rd., LP # 014-00178-0200. Concern raised at Annual Town Meeting: are rental permits required?**

Attorney Fauerbach has requested this item not be discussed at the meeting.

Chair Pallas moves to postpone item b. until a later date. G. Thury seconds. All in favor, 7 aye. Motion carries.

c. **Zoning Ordinance interpretation: is a greenhouse a minor accessory structure?**

Minor accessory structures are defined in the ordinance as “*Any small, moveable erection or construction such as birdhouses, tool sheds, pet houses, play equipment, and arbors.*” In section 4.2.G, the general guideline for minor accessory structures is that they not exceed 100 square feet.

Chair Pallas feels that until workshops on the subject are held for changes to the Zoning Ordinance, greenhouses have to be treated as minor accessory structures unless they’re over 100 square feet and/or not moveable.

Dave Thomas asks if hoopouses are considered temporary moveable structures, and if they require permits. He notes that hoopouses often get moved intentionally.

C. Brummer feels that they would be considered moveable structures and wouldn’t require permits.

Chair Pallas and C. Brummer reiterate that if the greenhouse/hoopouse is attached to a permanent building then it becomes an addition and needs a permit.

Chair Pallas agrees with C. Brummer that he considers a hoopouse moveable and doesn’t need a permit. At this time, he feels that regulation would be complaint driven, which he can’t see happening. He further states that the issue is the line that needs to be drawn between a Commercial use and personal use in terms of size.

The Zoning Administrator agrees that when the text changes to the Zoning Ordinance are discussed, the definition and regulation of hoopouses, greenhouses, and Agricultural districts and regulations should be discussed. She invites members of the public to submit history, information, and discussion points at that time especially.

N. Nelson thinks that there’s a growing movement of agriculture, and the permitting process shouldn’t hinder it. He feels that it seems like the whole issue is going to be given a blind eye, and that there’s a need for these to be defined in terms of size. He suggests that hoopouses continue to be treated as temporary structures until the workshops in the future

C. Baxter states that he doesn’t have any problem with hoopouses and can’t see a hoopouse of a size that would cause him concern.

Zoning Administrator responds that there has to be a balance between valuing Natural Resources, tourism, and agriculture in terms of land use on the island. People have different priorities and visions of

good land use. She suggests that maybe hoopouses could be permitted along the lines of Land Disturbing Activity. This way the Zoning Administrator can inspect the site to check that nothing's located in wetlands or setbacks, but there's no fee.

Zoning Administrator reiterates that she's asking about greenhouses, not hoopouses. Perhaps fees could be waived for hoopouses?

Chair Pallas feels that, greenhouse or hoopouse, they're accessory structures at over 100 square feet/not moveable. He doesn't feel fees should be waived for some things but not others.

G. Thury states that there's a proper legal procedure for everything. Nothing's going to be decided tonight though any further discussion.

Chair Pallas states that the Zoning Administrator has to go by the book. For the time being, the Town Plan Commission will ask the Zoning Administrator to look at hoopouses are moveable and greenhouses as minor accessory structures if less than 100 square feet/moveable.

VIII. Future Agenda Items

- **Town Board/Town Plan Commission Special Meeting, May 3, 2012**
- **Hartzell, Robert: interpretation of use of structures and permits required at LP #s 014-00192-0110, 014-00192-0120, 014-00192-0130, 014-00192-0140, 014-00192-0150, 014-00192-0515, and 014-00192-0516.**

IX. Schedule Future Meetings

- Town Plan Commission Regular Monthly Meeting to be held Thursday, June 7th, 2012, at 4:30 pm.

X. Adjournment

G. Thury moves to adjourn. S. Soucek seconds. All in favor. Motion Carries. Meeting ends at 5:30 pm.

Town Plan Commission minutes respectfully submitted by Margaretta Kusch, ZCA on Tuesday, May 22, 2012.

Town Plan Commission minutes approved as amended on Thursday, June 7, 2012.